

### **REMARKS**

The Office Action dated April 11, 2007, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

As an initial matter, it is respectfully submitted that the Office Action is incomplete, because claim 43 (previously presented and acknowledged at item 1, page 2, of the Office Action) was neither rejected, allowed, or objected to in the Office Action. Applicants respectfully submit that this omission may be moot if the application is deemed to be in condition for allowance. If, however, a rejection of claim 43 is to be made, Applicants respectfully submit that any such rejection should be non-final.

Claims 22-43 are currently pending in the application, of which claims 22, 34, and 43 are independent claims. Claims 22, 34, and 43 have been amended to more particularly point out and distinctly claim the invention. No new matter has been added. Support for the amendment may be found, for example, at page 11, line 27, to page 12, line 1, of the application as originally filed. Claims 22-43 are respectfully submitted for consideration.

Claims 22-23, 27-29, 31-35, and 39-42 were rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0461314 of Feldman ("Feldman") in view of U.S. Patent No. 7,139,324 of Ylitalo ("Ylitalo"). Applicants respectfully traverse this rejection.

Ylitalo cannot be used to show obviousness of the claims of the presently pending application, because it is barred under 35 U.S.C. 103(c) from such use. Ylitalo is a Nokia

patent, which issued November 21, 2006, on an application filed June 2, 2000. The present application was filed October 27, 2004, and properly claims priority to March 7, 2002. Thus, Ylitalo is available as prior art, if at all, only under 35 U.S.C. 102(e).

Furthermore, Ylitalo and the present application were subject to an obligation of assignment to the same entity, Nokia Corporation, at the time of the invention. Evidence of this mutual obligation of assignment can be seen from assignment to Nokia Networks Oy, shown on the cover of Ylitalo at item 73 (and recorded at Reel 010839, Frame 0580, on June 2, 2000), and from the assignment of the present application to Nokia Corporation shown at item 71 of the International Application from which the present application claims priority, and recorded at Reel 016350, Frame 0710, on October 27, 2004.

As should be readily apparent, Nokia Networks Oy was an entity of Nokia Corporation. This relationship can be seen, for example, from that both Nokia Networks Oy and Nokia Corporation have the same address: KEILALAHDENTIE 4, FIN-02150 ESPOO, FINLAND.

Accordingly, 35 U.S.C. 103(c) bars the USPTO from using Ylitalo from being used to establish obviousness of the claims of the present application, because Ylitalo is available only under 35 U.S.C. 102(e) (if at all), and Ylitalo was subject to an obligation of assignment to the same entity as present application at the time the invention was made. Thus, it is respectfully requested that the rejection be withdrawn.

Applicants note that Ylitalo is related to WO 02/01732 (the '732 publication), which was published on January 3, 2002, prior to the priority date of the present application. Although the '732 publication has not been used to reject any of the claims of the present application, consideration of the '732 publication is respectfully requested, and the following discussion regarding the '732 publication is provided. Since the '732 publication appears to have generally similar disclosure to that of Ylitalo, and since the Examiner used Ylitalo in the rejection, the '732 publication is discussed by reference to the rejection based on Ylitalo for the Examiner's convenience.

In the rejection, the Office Action correctly noted that the primary reference, Feldman, does not disclose or suggest "that a controller configured to control the detector so as to detect the output of the power amplifier only during a time of output of a training sequence, wherein the device is configured to control the power based on the detected output power, and wherein the device is configured to transmit or receive burst signals for the antenna array and the burst signals include the fixed training sequence." The Office Action cited Ylitalo to remedy these deficiencies of Feldman.

The '732 publication cannot remedy all of the deficiencies of Feldman, and consequently a hypothetical combination of Feldman and the '732 publication could not disclose or suggest all of the features of any of the presently pending claims.

Specifically, for example, claim 22 recites "a controller configured to control the detector so as to detect the output of the power amplifier only during a time of output of a training sequence." As noted above, the Office Action correctly acknowledged that the

primary reference, Feldman, fails to disclose this feature. The Office Action, however, cited Figures 11 and 14, as well as column 10, lines 5-10, and column 13, lines 1-13 of Ylitalo (which appears to correspond to Figures 11 and 14, as well as page 14, lines 25-29, and page 19, lines 8-16, of the '732 publication). The Office Action explained that "the training sequence identifies the source of signal SIN and the individual beam to remote station so that the remote station can separately discern the beams. In this way, remote station can separately receive the two beams using the transmit powers are distinguishable (detect) at remote station by use of orthogonal training sequences as may be used in a TDMA base station (fig. 12)." Applicants respectfully disagree with the Office Action's conclusion that the cited passages correspond to what is claimed.

At page 14, lines 25-29, (column 10, lines 2-10, in Ylitalo) the '732 publication mentions that a data slot may include a training sequence that identifies the signal source and the individual beam to a remote station so that the remote station can separately discern the beams. The remote station can separately receive the two beams using the training sequence. The '732 publication, however, is silent with regard to the feature of detecting the output of the power amplifier only during the time of output of the training sequence, and to control the power based on the detected output power.

The '732 publication, as best understood, uses the complete time slot signal and not only the training sequence. Accordingly, it is respectfully submitted that the '732 publication does not remedy all of the above-identified and admitted deficiencies of Feldman, and consequently the hypothetical combination of Feldman and the '732

publication would neither disclose nor suggest all of the features of any of the presently pending claims.

There is technical significance to the word “only” included in the claim. As explained at page 11, line 27, to page 12, line 1 of the present application, the detector means 19 can be controlled using a time-window for activating the detection section only during the training sequence, and for stopping the function of the detector means during the other times of the time slot signal.

To more particularly point out and distinctly claim the invention, corresponding explanation has been added to each of the pending independent claims, and it is respectfully submitted that this further discussion may provide an additional or alternative basis upon which the scope of the claims is distinguishable over the hypothetical modification of the pending rejections to substitute the ‘732 publication for Ylitalo.

Although the distinctions have been discussed with reference to independent claim 22, independent claim 34 (which has its own scope) was not separately rejected and recites at least some similar subject matter. Accordingly, claim 34 is patentable over the hypothetical combination of Feldman and ‘732 publication for similar reasons. Likewise, claims 23, 27-29, 31-33, 35, and 39-42 depend respectively from, and further limit, claims 22 and 34. Thus, each of claims 23, 27-29, 31-33, 35, and 39-42 also recites subject matter that is neither disclosed nor suggested in the hypothetical combination of Feldman and ‘732 publication.

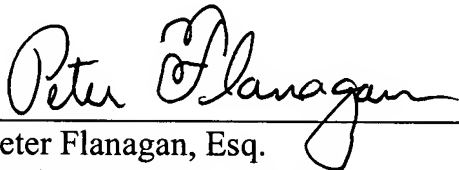
Claims 24-26, 30, and 36-38 were rejected under 35 U.S.C. 103(a) as being unpatentable over Feldman in view of Ylitalo and further in view of U.S. Patent Application Publication No. 2002/0177417 of Visser ("Visser"). Applicants respectfully traverse this rejection for essentially the same reasons as stated above. Ylitalo cannot be cited to show obviousness of the present invention. Furthermore, even hypothetically substituting the '732 publication for Ylitalo, the combination would not disclose or suggest all of the features of claims 22 or 34 from which claims 24-26, 30, and 36-38 respectively depend. Visser was not cited to remedy such deficiencies, and Visser (unsurprisingly) does not remedy such deficiencies. Accordingly, it is respectfully requested that the rejection be withdrawn.

For the reasons set forth above, it is respectfully submitted that each of claims 22-43 recites subject matter that is neither disclosed nor suggested in the cited art. It is, therefore, respectfully requested that all of claims 22-43 be allowed, and that this application be passed to issuance.

If, for any reason, the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

  
Peter Flanagan, Esq.  
Registration No. 58,178

**Customer No. 32294**  
SQUIRE, SANDERS & DEMPSEY LLP  
14<sup>TH</sup> Floor  
8000 Towers Crescent Drive  
Tysons Corner, Virginia 22182-2700  
Telephone: 703-720-7800  
Fax: 703-720-7802

PCF/geb/dc

Enclosures: Petition for Extension of Time (Two Months)  
Check No. 17012